

## **§ 171-1 Short Title**

This chapter may be cited as the City of Monessen Municipal Code and Ordinance Compliance Act.

## **§ 171-2 Purpose.**

There exists in the City of Monessen numerous properties that are neglected, have property maintenance and City code violations, are vacant and in disrepair, or are a risk to the health, safety, and general welfare of residents. This chapter aims to address such properties in order to ameliorate the aforementioned issues, improve the City's housing stock, to take action against property owners who are not in compliance, and to improve the quality of the City's properties, and to improve the overall quality of life of the City.

## **§ 171-3 Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section, unless the context clearly indicates otherwise.

### **ACT**

November 3, 2016 (P.L. 1047, No. 133), 68 P.S. Ch. 25, known as the Municipal Code and Ordinance Compliance Act.

### **CITY**

The City of Monessen.

### **COUNCIL**

The Council of the City of Monessen.

### **DATE OF PURCHASE**

The closing date on which title and right to possess the property transfers to the purchaser and in cases where the property is sold pursuant to the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

### **SUBSTANTIAL VIOLATION**

A violation of an adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinances that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.



#### **TEMPORARY ACCESS CERTIFICATE**

A certificate issued by the City as a result of the municipal inspection of a property incident to the resale of the property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of this chapter.

#### **TEMPORARY USE AND OCCUPANCY CERTIFICATE**

A certificate issued by the City as a result of the municipal inspection of a property incident to the resale of the property that reveals a violation but no substantial violation, and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of this chapter.

#### **UNFIT FOR HUMAN HABITATION**

A condition which renders a building or structure, or any part thereof, dangerous or injurious to the health, safety, or physical welfare of an occupant or the occupants of neighboring dwellings. The conditions may include substantial violations of a property that show evidence of: a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects such that the cost of rehabilitation and repair would exceed one-half of the agreed-upon purchase price of the property.

#### **USE AND OCCUPANCY CERTIFICATE**

A certificate issued by the City stipulating that the property meets all ordinances and codes and may be used or occupied as intended.

#### **VIOLATION**

A violation of a properly adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that does not rise to the level of a substantial violation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.

#### **§ 171-4 Compliance requirement for buildings and structures.**

Within 12 months of the date of purchase, or longer subject to an agreement between the purchaser and the City, any purchaser of any building, structure or part of a building or structure known to have one or more violations or one or more substantial violations of the City Codes relating to building, housing, property maintenance or fire shall:

**A.**

Bring the building, structure or that part of a building or structure into compliance with those codes; or

**B.**

Demolish the building or structure in accordance with the law.

**§ 171-5 Compliance requirement for lots and parcels.**

Any purchaser of any lot or parcel of land having one or more substantial violations of City code nuisance ordinances relating to maintenance, health or safety is required to make a reasonable attempt to abate the nuisance within one year of the date of purchase.

**§ 171-6 Issuance of temporary access certificates.**

If the City determines through an inspection that a property has at least one substantial violation, the City may issue a temporary access certificate solely for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of the Act.

**A.**

No occupancy. No person shall occupy a property during the term of the temporary access certificate.

**B.**

Reinspection. The City shall reinspect the premises for the purposes of determining compliance with the City Code; provided, however, the property owner may request an early inspection and the City may conduct said reinspection consistent with the business of the City. In the event that the substantial violations are not corrected within 12 months, the City shall revoke the temporary access certificate and avail itself of any remedies available at law. In the event that the violations are corrected within 12 months, the City shall issue a use and occupancy permit.

**§ 171-7 Issuance of temporary use and occupancy permit.**

If the City determines through an inspection that a property has at least one violation, the City may issue a temporary use of occupancy and occupancy permit.

**A.**

Reinspection. The City shall reinspect the premises for the purposes of determining compliance with the City Code; provided, however, the property owner may request an early inspection and the City may conduct said reinspection consistent with the business of the City. In the event that the

violations are corrected within 12 months, the City shall issue a use and occupancy permit. In the event that the violations are not corrected within 12 months, the City shall revoke the temporary use and occupancy permit and avail itself of any remedies available at law.

#### **§ 171-8 Enforcement.**

##### **A.**

The Monessen Code Enforcement Officer or the Monessen Police Department shall have the authority to inspect the property and issue or revoke the applicable permits; or issue the applicable citations to the owner/purchaser of the property at issue or the individual known to have violated this chapter.

##### **B.**

Enforcement of this chapter shall be made by the filing of a criminal complaint, pursuant to Pennsylvania Rules of Criminal Procedure, in the appropriate Magisterial District Court. The City's Solicitor may assume charge of the prosecution without the consent of the District Attorney, as required under Pennsylvania Rule of Criminal Procedure.

##### **C.**

Violations of the property maintenance code or ordinance may also be enforced by the institution of appropriate actions or proceedings at law or in equity to prevent or restrain property maintenance provisions.

#### **§ 171-9 Service.**

A violation ticket may be served upon a property owner by handing it to the violator or their agent, by handing it to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it to any officer or usual place of business of the violator, or to the person for the time being in charge thereof, or by certified mail to the violator's address of record.

#### **§ 171-10 Regulations.**

Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this chapter.

#### **§ 171-11 Violations and penalties.**

The violation of this chapter shall constitute a summary offense. Any purchaser failing to comply with the requirements of this chapter shall be held personally liable for the costs of repairs or demolition and a criminal fine of \$1,000 per violation or imprisonment, as allowed by law for the punishment of a summary

offense, plus court costs and reasonable attorney fees incurred by the City in the enforcement proceedings. A separate violation shall arise for each day of the violation and for violation of each applicable section of this chapter.

#### **§ 171-12 Miscellaneous.**

Nothing in this chapter shall be construed to abridge or alter the remedies now existing at common law, by statute or by ordinance, but the provisions of this chapter are in addition to such remedies.

#### **§ 171-13 Severability.**

The provisions of this chapter shall be severable and if its provisions are found to be unconstitutional or illegal the validity of any of the remaining provisions of this chapter shall not be affected thereby.

#### **§ 171-14 When effective.**

This chapter shall become effective immediately upon approval because it is an chapter providing for the preservation of public peace, health, safety, and the general welfare.